

Lead Planning & Zoning
Tuesday, July 11, 2023
5:00 p.m.

The Lead Planning & Zoning Commission met in Regular Session on Tuesday, July 11, 2023, at 5:00 p.m. The following members were present: John Sternhagen, Rick Wisser, Gordon Phillips, Brian Gerving, and Levi Wilson. Absent: Mike Stahl and Don Mack. Additional Present: City Building Inspector Dennis Schumacher, City Planner Robin Lucero, and Administrative Assistant Jacie Essink.

APPROVE MINUTES

1. Minutes of the June 27, 2023, regular meeting were approved as read.

RECOMPETE GRANT DISCUSSION

Discussion was held in regard to the Recompete Pilot Program. Further investigation will take place to explore options.

SHORT TERM RENTAL RECOMMENDATION

M/Phillips, S/Gerving- Carried to take Short Term Rentals off of the table for discussion and recommendation.

1. STR Packet Required at the rental property:
 - a. ~~City of Lead STR Permit (actual permit in the window, possibly neon green)~~
 - b. City of Lead STR information sheet
 - c. Local Emergency Contact information
 - d. Approved City of Lead STR application
 - e. Approved parking plan for property
 - f. Department of Health Certificate
 - g. ~~Department of Revenue Certificate~~
 - h. Copy of important city ordinances

M/Gerving, S/Wisser- Carried to take out (a.) and (g.) and approve Recommendation #1 with following changes.
Those Voting Aye: All
Those Voting no: None
2. Policy Changes:
 - a. STR applications must be fully completed before being accepted, no exceptions.
 - b. If a property is next on the waiting list for a STR application, they will have 5 business days to respond to the City regarding the available license.
 - c. A property owner must submit in writing to the City of Lead, their request to be removed from the STR list.

M/Phillips, S/Wisser- Carried to approve recommendation # 2 as read.
Those Voting Aye: All
Those Voting no: None.
3. Resolution Changes:
 - a. Cap:
 - i. Of 16 voting, 4 (25% of the group) agreed with the 7.5% or 112 STR cap
 1. 12 (75% of the group) voted it should be lowered
 - a. 8 (66% of the group) voted it should be between 7.5%-5%
 - b. 4 (33% of the group) voted it should be less than 5%

M/Phillips, S/Wisser- Carried to approve (3a.) as read.

Those Voting Aye: Gerving, Sternhagen, Phillips, and Wisser.

Those Voting No: Wilson

b. Fee:

i. STR Permit Fee:

1. Of 16 voting, 4 agreed with the \$100 fee

2. Of the 12 that did not agree with the set fee:

a. 8 (66% of the group) voted the fee should be between \$250-\$500

b. 4 (33% of the group) voted the fee should be higher than \$500

ii. Application fee: A fee of \$25 should be implemented for STR applications. This fee will be payable when the application is submitted to city hall for administration costs and to maintain a future waiting list.

M/Wilson, S/Gerving- Carried to approve recommendation (3b.) with changes:

(a.) \$250 initial permit fee (first year applying)

(b.) \$125 renewal fee (each year after that)

(bii.) As Read.

Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, Wilson.

Those Voting No: None

c. Parking:

i. A detailed parking plan for each STR property is required to be submitted and approved by the City with their STR application and shall be included in the STR packet on site. (15 people voted for this, 1 against it)

ii. No attached trailer parking is allowed at STR properties. (15 people voted for this, 1 against it)

M/Wisser, S/Phillips- Carried to approve (3c.) with no trailer parking on the streets at all.

Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, Wilson.

Those Voting No: None

d. Advertisement:

i. STR owners shall include a parking disclaimer on their STR advertisement or listing. This will provide, in detail, the parking regulations within the City of Lead and the parking arrangements for that specific property.

M/Phillips, S/Wisser- Carried to approve (3d.) as read.

Those Voting Aye: Gerving, Sternhagen, Phillips, and Wisser, Sternhagen, Wilson.

Those Voting No: None

e. Actively Using:

i. STR properties shall be actively listed to retain their license. If the activity of the property is questioned, the owner shall provide active listings, advertisements, or Department of Revenue documentation.

M/Wisser, S/Wilson- Carried to approve (3e.) as read.

Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, Wilson.

Those Voting No: None

f. Penalty:

i. Fee:

1. 16 voted to keep the \$100/day penalty
2. 1 voted against the \$100/day
M/Gerving, S/Wisser- Carried to approve (3f.) as read.
Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, and Wilson.
Those Voting No: None

ii. Investigation:

1. If a property is listed online with availability and active bookings, a certified letter will be mailed to the owner and a phone call made to inform them of the regulations. The property owner has 24 hours from the receipt of the letter to stop operating a STR and remove the listing before becoming subject to the penalty.
2. STR properties with 3 documented ordinance violations will be subject to their STR permit being revoked. The STR owner may appeal against that decision through the City Commission. If a STR permit is revoked, it may not be reapplied for within one calendar year.
M/Gerving, S/Wisser- Carried to approve (3ii.) as read.
Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, Wilson
Those Voting No: None

4. Ordinance Changes:

a. Garbage Ordinance:

- i. If garbage volume exceeds provided garbage containers or will become a public health hazard before the scheduled garbage collection day, ~~the STR owner is responsible for disposal of garbage, at their expense.~~
Property Owner, is responsible.

b. STR Ordinance:

i. STR Definition change:

1. Short-term rental

Some of the group thought that the zoning should be accounted for in the definition of STR in order to exclude commercially zoned properties from the STR regulations as they are commercially zoned properties.

M/Phillips, S/Wisser- Carried to approve (4a.) and (4b.) with changes.

Those Voting Aye: Wisser, Sternhagen and Gerving

Those Voting No: Phillips, and Wilson.

ITEMS FROM COMMISSIONERS

1. Next Regular Meeting—Tuesday, July 25, 2023, at 5:00 PM

ADJOURN

M/Phillips, S/Gerving- Carried to adjourn the regular meeting at 7:15 p.m.

ATTEST:

CITY OF LEAD
PLANNING & ZONING COMMISSION

Jacie Essink, Administrative Assistant

John Sternhagen, Chairman P&Z